

ROANOKE CITY COUNCIL—REGULAR SESSION

February 17, 2015

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, February 17, 2015, at 2:00 p.m., in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor David A. Bowers presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 39982-070714 adopted by the Council on Monday, July 7, 2014.

PRESENT: Council Members William D. Bestpitch, Raphael E. Ferris, Anita J. Price, David B. Trinkle, and Mayor David A. Bowers-5.

ABSENT: Council Members Sherman P. Lea and Court G. Rosen-2.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Christopher P. Morrill, City Manager; Daniel J. Callaghan, City Attorney; Andrea Trent, Assistant Director of Finance; and Stephanie M. Moon Reynolds, City Clerk.

The Invocation was delivered by Mayor David A. Bowers.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Bowers.

ANNOUNCEMENTS

ARCHITECTURAL REVIEW BOARD: Without objection by the Council, Mayor Bowers announced that the Petition to Appeal filed by Ricky Mitchell with regard to a decision of the Architectural Review Board scheduled to be heard by the Council at its 7:00 p.m. session has been continued until March 16 at 7:00 p.m.

SNOW REMOVAL: Sherman M. Stovall, Assistant City Manager for Operations, gave a brief update regarding the snowstorm on Monday, February 16.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT: Due to inclement weather, the Mayor announced that the Recognition of the City of Roanoke's participation in the Welcoming Cities and Counties Project would be rescheduled.

HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately. Mayor Bowers announced that the two requests for Closed meetings to discuss vacancies on Council-appointed bodies; and to discuss a personnel matter have been withdrawn.

CITY COUNCIL: A communication from Mayor David A. Bowers requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

WITHDRAWN

CITY COUNCIL-PERSONNEL COMMITTEE: A communication from Council Member Sherman P. Lea, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss a personnel matter, being salaries of the Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

WITHDRAWN

CITY PLANNING COMMISSION: A communication from the City Clerk advising of the resignation of Mark Futrell as a member of the City Planning Commission, effective immediately, was before the body.

(See communication on file in the City Clerk's Office.)

Council Member Bestpitch moved that the resignations be accepted and the communications be received and filed. The motion was seconded by Vice-Mayor Trinkle and adopted by the following vote:

AYES: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

NAYS: None-0.

(Council Members Lea and Rosen were absent.)

INDUSTRIES: A communication from Danny Wilson, Virginia's First Regional Industrial Facility Authority Executive Director, transmitting the Virginia's First Regional Industrial Facility Authority and Commerce Park Participation Committee's Financial Report for fiscal year 2014, was before the body.

(See communication on file in the City Clerk's Office.)

Council Member Bestpitch moved that the communication be received and filed. The motion was seconded by Vice-Mayor Trinkle and adopted by the following vote:

AYES: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

NAYS: None-0.

(Council Members Lea and Rosen were absent.)

OATHS OF OFFICE-ROANOKE NEIGHBORHOOD ADVOCATES: A report of qualification of D. David Parr as a member of the Roanoke Neighborhood Advocates to fill the unexpired term of Paul Adams ending June 30, 2015, was before the Council:

(See Oaths or Affirmations of Office on file in the City Clerk's Office.)

Council Member Bestpitch moved that the report of qualification be received and filed. The motion was seconded by Vice-Mayor Trinkle and adopted by the following vote:

AYES: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

NAYS: None-0.

(Council Members Lea and Rosen were absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-HUMAN SERVICES: The City Manager submitted a written communication recommending reallocation of funds for Western Virginia Workforce Development Board Workforce Investment Act (WIA) Programs.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Price offered the following resolution:

(#40170-021715) A RESOLUTION acknowledging and recognizing the PY2013 Workforce Investment Act ("WIA") funding from the Virginia Community College System in the amount of \$50,000.00 for the Adult and Dislocated Worker programs for the award period of July 1, 2013, through June 30, 2015, the foregoing funding to be administered by the Western Virginia Workforce Development Board ("WDB").

(For full text of resolution, see Resolution Book No. 77, page 375.)

Council Member Price moved the adoption of Resolution No. 40170-021715. The motion was seconded by Vice-Mayor Trinkle and adopted by the following vote:

AYES: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

NAYS: None-0.

(Council Members Lea and Rosen were absent.)

STREETS-BRIDGES: The City Manager submitted a written communication recommending authorization to amend contract with Mattern & Craig, Inc., in connection with the Transportation Structures Inspection Program 2014 – 2018.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Ferris offered the following resolution:

(#40171-021715) A RESOLUTION authorizing the City Manager's execution of additional Amendments to the City's contract with Mattern & Craig, Inc. in an amount up to \$140,500.00 for additional professional engineering services for deck condition assessment and bridge design services for Orange Avenue over Tinker Creek Bridge Rehabilitation project (Project); and authorizing the City Manager to implement, administer, and enforce such Amendments.

(For full text of resolution, see Resolution Book No. 77, page 376.)

Council Member Ferris moved the adoption of Resolution No. 40171-021715. The motion was seconded by Council Member Bestpitch.

The City Manager pointed out that the City of Roanoke has approximately 115 bridges, culverts, and tunnels and 15 overhead signs that require periodic professional engineering and inspections to determine the current structural and safety status of such items and if repair or replacement is required for any such items.

There being no additional questions and/or comments by the Members of Council, Resolution No. 40171-021715 was adopted by the following vote:

AYES: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

NAYS: None-0.

(Council Members Lea and Rosen were absent.)

ECONOMIC DEVELOPMENT-INSURANCE: The City Manager submitted a written communication recommending authorization to waive a certain performance provision contained in the Performance Agreement dated July 1, 2012, as amended, among the City of Roanoke, Economic Development Authority, and Ivy View, LLC.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Ferris offered the following ordinance:

(#40172-021715) AN ORDINANCE authorizing the proper City officials to waive the failure of Ivy View, LLC ("Ivy View") to timely submit its application for a grant for the grant year ended June 30, 2014; providing for an effective date; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 77, page 377.)

Council Member Ferris moved the adoption of Ordinance No. 40172-021715. The motion was seconded by Vice-Mayor Trinkle.

Ellis L. Gutshall, President and Chief Executive Officer, Valley Bank, was in attendance at the meeting in support of the request.

In response to comments by the Council regarding the request for the waiver due to the missed deadline, the City Manager reported that for the grant year which ended on June 30, 2014, Ivy View, LLC, did not submit its grant request within the Agreement's specified timeframe of September 1 – December 1; that the request was received by the City on January 22, 2015; and in its late submission, Ivy View, LLC, indicated that it had inadvertently missed the December 1, 2014 deadline due to other events involving Valley Bank, the sole member of Ivy View, LLC.

He remarked that only City Council and the Economic Development Authority Board of Directors could consider such a request as the Agreement does not provide any administrative considerations to address this type of performance failure; and that a waiver of the grant request submittal deadline as it pertains to the grant for the grant year ending June 30, 2014, if approved by the Council would be considered by the Authority at its next meeting scheduled to be held on Wednesday, February 18, 2015.

There being no additional questions and/or comments by the Members of Council, Ordinance No. 40172-021715 was adopted by the following vote:

AYES: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

NAYS: None-0.

(Council Members Lea and Rosen were absent.)

COMMENTS BY CITY MANAGER.

The City Manager shared the following comments:

- Thursday, February 26 from 6:00 p.m. 8:00 p.m., at 16 West Market Place, (16 Church Avenue S. W., there is an event called "Big Lick Soup," a new micro grant opportunity to fund innovative community projects combined with the community meal called "Big Lick Soup."
- St. Patrick's Day Parade and Shamrock Festival on Saturday, March 14 from 11:00 a.m. – 8:00 p.m. For more information go to downtownroanoke.org.
- 37th Annual Clean Valley Day on Saturday, April 11 from 9:00 a.m. - 12:00 Noon. For more information go to cleanvalley.org.

DIRECTOR OF FINANCE:

BUDGET-SCHOOLS-CAPITAL IMPROVEMENTS: The Director of Finance submitted a written report recommending reallocation and transfer of Roanoke City Public Schools Capital Projects Funding between phases; and redistribution of funding from closed projects.

(For full text, see report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following budget ordinance:

(#40173-021715) AN ORDINANCE to transfer funding between Roanoke City Public Schools capital projects, amending and reordaining certain sections of the 2014 - 2015 School Capital Projects Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 77, page 379.)

Vice-Mayor Trinkle moved the adoption of Budget Ordinance. 40173-021715. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

NAYS: None-0.

(Council Members Lea and Rosen were absent.)

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: The Roanoke City School Board submitted a written report requesting appropriation of funds for various educational grants and programs; and the Director of Finance submitted a written report recommending that Council concur in the request.

(For full text, see reports on file in the City Clerk's Office.)

Vice-Mayor Trinkle offered the following budget ordinance:

(#40174-021715) AN ORDINANCE to appropriate funding from the Federal government and the Commonwealth grants for various educational programs, amending and reordaining certain sections of the 2014 - 2015 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 77, page 380.)

Vice-Mayor Trinkle moved the adoption of Budget Ordinance No. 40174-021715. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

NAYS: None-0.

(Council Members Lea and Rosen were absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF CITY COUNCIL:

LEGISLATURE: Council Member Bestpitch called attention to House Bill No. 2223, a bill to amend the Code of Virginia by adding a section number 2.2-3713.1, relating to the Freedom of Information Act, whereby said violation being a criminal offense..

(See copy of House Bill No. 2223 on file in the City Clerk's Office.)

Council Member Bestpitch moved that the Council authorize Robert Catron, Roanoke Legislative Liaison, to lobby on behalf of the City in opposition of the Bill. The motion was seconded by Vice-Mayor Trinkle and adopted.

Council Member Price announced that an Annual Black History Heritage Parade was scheduled to be held on Saturday, February 21 commencing at 10:30 a.m., at the Martin Luther King, Jr. Statute on First Street, N. W., with representation from many of area non-profit organizations.

Mayor Bowers announced that the Chinese New Year Celebration was scheduled to be held on Saturday, February 21 at the Taubman Museum, from 12:00 Noon – 4:00 p.m.

VACANCIES ON CERTAIN AUTHORITIES, BOARDS, COMMISSIONS AND COMMITTEES:

OATHS OF OFFICE-ARCHITECTURAL REVIEW BOARD: The Mayor called attention to a vacancy on the Architectural Review Board created by the expiration of a term of office of Barbara Botkin on October 1, 2014; whereupon, he opened the floor for nominations.

Council Member Bestpitch placed in nomination the name of Christopher Vail.

There being no further nominations, Mr. Vail was appointed to replace Barbara Botkin as a member of the Architectural Review Board for a term of office ending October 1, 2018, by the following vote:

FOR MR. VAIL: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

(Council Members Lea and Rosen were absent.)

OATHS OF OFFICE-BLUE RIDGE BEHAVIORAL HEALTHCARE BOARD OF DIRECTORS: The Mayor called attention to a vacancy on the Blue Ridge Behavioral Healthcare Board of Directors created by resignation of Max W. Davis as an At-Large City representative for a term ending December 31, 2016; whereupon, he opened the floor for nominations.

Council Member Bestpitch placed in nomination the name of The Reverend Erin Hensley.

There being no further nominations, Reverend Hensley was appointed to the Blue Ridge Behavioral Healthcare Board of Directors to fill the unexpired term of office of Max W. Davis as an At-Large City representative ending December 31, 2016, by the following vote:

FOR REVEREND HENSLEY: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

(Council Members Lea and Rosen were absent.)

OATHS OF OFFICE-CITY PLANNING COMMISSION: The Mayor called attention to a vacancy on the City Planning Commission created by resignation of Mark Futrell for a term ending December 31, 2016; whereupon, he opened the floor for nominations.

Council Member Ferris placed in nomination the name of Karri Atwood.

There being no further nominations, Ms. Atwood was appointed to the City Planning Commission to fill the unexpired term of office of Mark Futrell ending December 31, 2016, by the following vote:

FOR MS. ATWOOD: Council Members Bestpitch Ferris, Price, Trinkle, and Mayor Bowers-5.

(Council Members Lea and Rosen were absent.)

There being no further business, Mayor Bowers declared the Council meeting adjourned at 2:35 p.m.

A P P R O V E D

ATTEST:

Stephanie M. Moon Reynolds, MMC
City Clerk

David A. Bowers
Mayor
